

National Sporting Code

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Note: All text changes from the previous issue of this Schedule are **highlighted** such. Text changes for grammatical and/or formatting reasons are not highlighted.

PART VIII – Penalties

90. Penalties on Competitors, Entrants and Drivers:

- (1) Competitors, Entrants and Drivers in all Meetings and Events including Sanctioned Series who or which are in breach of this Code, or the Sanctioned Series Articles, or the Standing Regulations or the Supplementary Regulations (if any) of the Meeting or Event shall be disciplined and penalised by:
- (a) The Event Director or Race Director (if any);
 - (b) The Clerk of the Course or licensed Assistant Clerk of the Course of the Meeting or Event; or
 - (c) The Stewards; or
 - (d) MotorSport NZ in a hearing held for the purpose in accordance with Part X of this Code; or
 - (e) The Anti Doping Tribunal, or
 - (f) The National Court of Appeal;
- In each case, in accordance with this Code.
- (2) Competitors, Entrants and Drivers in a Sanctioned Series, who are in breach of the Series Articles may not be disciplined and penalised by the Series Coordinator of the Series.

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- (3) MotorSport NZ shall in this code and in either Appendix One of this Code, or in the Standing Regulations prescribe from time to time all penalties to apply to Competitors, Entrants and Drivers in Meetings and Events (to the exclusion of any other penalty or penalties), for breaches of:
- (a) This Code; and,
 - (b) Any of the Appendices to this Code; and,
 - (c) Any of the Schedules to the Appendices of this Code; and,
 - (d) The Standing Regulations of the Meeting or Event; and,
 - (e) The Supplementary Regulations of the Meeting or Event (if any), and
 - (f) The Sanctioned Series Articles (if any).
- (4) The penalties for breaches of the Articles of any Sanctioned Series shall (to the exclusion of any other penalty or penalties) be set out in the Series Articles and any such penalty shall be in addition to and not in substitution for any Meeting or Event penalty.

91. Penalties on Officials: Any Official of:

- (a) A Sanctioned Series; or
- (b) A Meeting or an Event

Who, during the conduct of a Series, Meeting or Event is in breach of:

- (c) This Code; or
- (d) Any of the Appendices to this Code;
- (e) Any of the Schedules to the Appendices of this Code;
- (f) The Series Articles; or
- (g) The Standing Regulations of the Meeting or Event; or
- (h) The Supplementary Regulations of the Meeting or the Event (if any);

Shall be disciplined and penalised by MotorSport NZ in accordance with such guidelines, procedures and according to such penalties as MotorSport NZ shall in Appendix One of this Code, prescribe from time to time provided however that no such discipline or penalty shall in any circumstance permit MotorSport NZ to do other than endorse, downgrade, suspend or cancel any licence held by the Official.

92. Penalties on Member Clubs, Associate Members and Office Bearers, Licence Holders, members of affiliated clubs, or other member of MotorSport New Zealand:

- (1) Any Member Club or Associate Member organising:
- (a) A Series; or
 - (b) A Meeting or an Event

And any Office Bearer who or which during the conduct of any Meeting or Event is in breach of:

- (c) This Code; or
- (d) Any of the Appendices to this Code;

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- (e) Any of the Schedules to the Appendices of this Code;
- (f) The Series Articles; or
- (g) The Standing Regulations of the Meeting or Event; or
- (h) The Supplementary Regulations of the Meeting or the Event (if any);

Or who acts or omits to act in any way prejudicial to MotorSport NZ or automobile sport generally or brings MotorSport NZ or automobile sport generally into disrepute, shall be disciplined and penalised by MotorSport NZ in accordance with such guidelines, procedures and according to such penalties as MotorSport NZ shall in Appendix One of this Code, prescribe from time to time.

- (2) Any Member Club or Associate Member, Office Bearer or any Member of a Member Club or Associate, and any other members of MotorSport New Zealand or its affiliates, or any holder of a licence issued by MotorSport NZ, who or which at any time other than during the conduct of a Meeting or Event acts or omits to act in any way prejudicial to MotorSport NZ or automobile sport generally or brings MotorSport NZ or automobile sport generally into disrepute, shall be disciplined and penalised by a panel established under Part X of this code.

93. Necessity for Hearing Prior to Imposition of Penalty:

- (1) Prior to any penalty (except a time or drive through penalty) being imposed on any Competitor, Entrant, Driver, Member Club, Associate Member, Office Bearer, Official or member of an affiliated club, a proper hearing must be held by the Official, MotorSport NZ, the Anti Doping Tribunal or the National Court of Appeal, whoever or whichever is imposing the penalty.
- (2) Any hearing may be held by correspondence with the consent of MotorSport NZ.
- (3) Those persons, firms or bodies corporate who or which may appear to be liable to a penalty must be given reasonable notice in writing of the time and place of the hearing and the matter which may give rise to a penalty. Any failure on the part of the person, firm or body corporate so notified to attend the hearing shall not vitiate or invalidate the hearing.
- (4) Save for hearings before an Anti Doping Tribunal, neither MotorSport NZ nor any party to or person attending a hearing shall be entitled to be represented at the hearing by legal counsel and must instead appear either on their own behalf or be represented by such person (not being legal counsel) as they may nominate for the purpose.
- (5) Save for Appeals before the National Court of Appeal audio or video recording of hearings is not permitted.

94. Specific Behaviour, Which May Be Penalised: In addition and without prejudice to anything contained in this Code or any Series Articles or any Standing Regulations of Supplementary Regulations, it shall be a breach of this Code for any Office Bearer, Member Club or any Associate Member organising a Series, Meeting or Event, or any Competitor, Entrant, Driver or Official in a Series, Meeting or Event:

- (a) To bribe or attempt to bribe, either directly or indirectly, any other Competitor or Official or any other person being employed in any manner in connection with the Series, Meeting or Event and for any such other Competitor or Official to accept, or offer to accept, any bribe;

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- (b) To do or attempt to do any act or thing which has or is likely to have the effect of facilitating the entry into any Series, Meeting or Event of:
 - (i) A competing vehicle which the Entrant, by wilfully concealing or misrepresenting any information required to be disclosed in the entry form concerning the competing vehicle or the make or model thereof, knows to be ineligible for the Series, Meeting or Event;
 - (ii) Any Competitor who does not hold the appropriate Licence required for that Series, Meeting or Event;
- (c) To act or proceed in any fraudulent way or act prejudicial to the interests of any Series, Meeting or Event or to the interests of automobile sport in general;
- (d) To drive in a reckless or careless manner in any Series, Meeting or Event or the practice therefore; or
- (e) To misbehave or engage in any unfair practice; and
- (f) To wage a bet with the Totalisator Agency Board on the outcome of the Series, Meeting or Event or any part thereof (but not those Officials who, by their actions, deliberations or direct power can not alter or influence in any way the outcome of any Series, Meeting or Event).
- (g) To abuse or threaten an official or competitor of any Series, Meeting or Event. The Clerk of the Course will hold a hearing to establish if an offence has occurred and if so found he/she will refer the matter to the Stewards for the application of a penalty. Should there only be one(1) Steward appointed to the meeting or event, the Steward may:
 - (i) apply a penalty under Schedule P NSC.7, or
 - (ii) refer the matter to MSNZ for penalty.
- (h) To have a banned substance or alcohol in their system during any Series, Meeting or Event.

95. Non-Payment of Fees or Charges: In the event that any person, Member Club, Associate Member, firm or organisation fails to pay any fees or charges due and owing to MotorSport NZ after the due date for payment then any Licence or Permit held by such person, member club, firm or body corporate may, without prejudice to any of MotorSport NZ's other rights and remedies, be suspended until such time as payment is made.

96. Liability to Pay Fines and Costs: The liability for payment of all fines and costs imposed upon the Driver, crew or co-Driver of any competing vehicle shall at all times lie with the Entrant of that competing vehicle. All fines and costs shall constitute a debt due and owing by the Entrant to MotorSport NZ, which shall be recoverable as such.

97. Time Limit for Payment of Fines and Costs:

- (1) All fines imposed upon a Competitor or Entrant in a Sanctioned Series, Meeting or Event shall be paid by the Competitor or Entrant to MotorSport NZ within 48 hours of the hearing at which the fine was imposed unless the Official or Stewards imposing the fine stipulates a different deadline for payment.

Fines imposed by MotorSport NZ in a hearing held by it in accordance with Part X of this Code shall be paid by such deadline and upon such terms and conditions as shall be stipulated by MotorSport NZ in its decision.

Fines imposed by the National Court of Appeal shall be paid by such deadline and upon such terms and conditions as shall be stipulated by the National Court of Appeal.

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- (2) All costs imposed upon a Competitor or Entrant in a Sanctioned Series, Meeting or Event shall be paid by the Competitor or Entrant to MotorSport NZ within 48 hours of the hearing at which the costs were imposed unless the Stewards imposing the costs stipulates a different deadline for payment.

Costs imposed by MotorSport NZ in a hearing held by it in accordance with Part X of this Code shall be paid by such deadline and upon such terms and conditions as shall be stipulated by MotorSport NZ in its decision.

Costs imposed by the National Court of Appeal shall be paid by such deadline and upon such terms and conditions as shall be stipulated by the National Court of Appeal.

- (3) Without prejudice to any other available right or remedy of MotorSport NZ, all fines or costs not paid by the deadline for payment shall attract interest at the rate of eighteen (18.0%) per cent per annum, calculated on a daily basis from the time payment is due and in addition and without prejudice to its other rights and remedies, MotorSport NZ may at its option (in its absolute discretion) suspend any Licence held by the person, Member Club, Associate Member or body corporate liable to pay until:
- (a) The date payment is made; or
 - (b) The expiry of a period of time after payment is due, as shall be equal to the number of days that payment was overdue.

98. Effect of Endorsement of Licence:

- (1) Any endorsement of the licence of a Competitor will have the term of endorsement stipulated upon the expiry of which, the Competitor may exchange his or her Licence for a replacement Licence issued by MotorSport NZ.
- (2) If any further endorsement of the Licence for the same kind of offence is incurred during the term of the earlier endorsement, the Licence will be automatically suspended for the balance of the term of the first endorsement.

99. **Effect of Exclusion from a Sanctioned Series, Meeting or Event:** Any exclusion of an Entrant or Driver from a Sanctioned Series, Meeting or Event excludes the Entrant or Driver from taking part in the Series, Meetings or Events specified in the exclusion and removes the Entrant or Driver from the classification in any Sanctioned Series or Event specified in the exclusion. Any exclusion from an Event may also specify exclusion from Events prior to the exclusion being imposed (with the resultant deduction of points from any Sanctioned Series of which the Event was a round).

100. **Effect of Suspension of a Licence:** While in force, any suspension of a Licence will entail (in the case of an Entrants or Competition Licence) the loss of any right to take part in any capacity whatever in any Series, Meeting or Event held in New Zealand or (in the case of an Officials Licence) the loss or any right to officiate at any Series, Meeting or Event and will result in an immediate withdrawal of Licence.

If however MotorSport NZ wishes the suspension to have international effect, it shall notify the Secretariat of the FIA who shall inform all other ASNs, in which event the suspension shall then be immediately noted by MotorSport NZ which shall take the necessary measures to make it effective.

Any Licence holder whose licence may be suspended must at once surrender his or her licence to MotorSport NZ who will return the licence at the expiry of the period for which the suspension was pronounced.

Any delay in surrendering the licence on the part of the licence holder shall be added to the term of suspension.

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- 101. Effect of Disqualification of Licence:** Disqualification of Licence shall, unless remitted, be a permanent loss of any right to hold any Licence of the same kind as that disqualified. Any purported entry to any Series, Meeting or Event by any person subject to disqualification of an Entrants or Competition Licence in accordance with this Article shall be of no effect and shall entitle the organiser to retain any entry fee paid.
- 102. Effect of Suspension or Disqualification of a Competing Vehicle:** Any suspension or disqualification of a particular competing vehicle or model or series thereof may be made to apply within New Zealand or internationally and if international, shall be reported by MotorSport NZ to the FIA who will notify all other ASNs. If MotorSport NZ imposes the sentence of suspension or disqualification upon a competing vehicle homologated by another ASN, such sentence is subject to appeal to the FIA whose judgement shall be final.
- 103. Notification of Penalties to International Sporting Federations:** Any suspension and disqualification applicable internationally will be communicated to those ASNs designated by the FIA, which have agreed to apply, on a reciprocal basis, the penalties inflicted by the FIA.
- 104. Statement of Reasons for Suspension or Disqualification:** In notifying sentences of suspension or disqualification to the Secretary General of the FIA, it shall be necessary for MotorSport NZ to give its reasons for such a penalty, but the reasons shall in no event be published by the FIA.
- 105. Loss of Points and Awards:** Without prejudice and in addition to any penalty contained in the Articles of a Sanctioned Series, any Competitor excluded, suspended, or disqualified during a Meeting or an Event will lose the right to any of the awards or prizes applicable to such Meeting or Event or the right to any points or awards or prizes applicable to that Meeting or Event.
- 106. Publication of Penalties:** The FIA, or MotorSport NZ shall have the right to publish or cause to be published a notice stating that it has penalised any Competitor, Official, Member Club, Associate Member, competing vehicle, or model of competing vehicle. Persons referred to in such notice shall not, by virtue merely of the publication of such notice, have any cause of action against the FIA, or MotorSport NZ or against any publisher of the said notice.
- 107. Remission of Sentence:** MotorSport NZ may, in its absolute discretion remit the unexpired period of any suspension or may, in its further absolute discretion, remove a disqualification at any time upon such conditions as it may determine.